

HB 763 with HCA 1 -- DEPARTMENT OF CONSERVATION

SPONSOR: Houghton

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Conservation and Natural Resources by a vote of 8 to 3.

The bill specifies that the Missouri Conservation Commission and the Department of Conservation may not engage in prohibited conduct with a connected not-for-profit corporation. Any individual damaged by an act of prohibited conduct by the commission of the department may bring suit in any court of competent jurisdiction. The court may award declaratory and injunctive relief.

Anyone who knowingly or willfully participates in prohibited conduct is guilty of a class B misdemeanor.

HCA 1: Modifies the definitions of "connected not-for-profit corporation" and "prohibited conduct"

PROPONENTS: Supporters say that the Conservation Heritage Foundation and the department are too closely connected when working on mitigation credits. The department advises the Corps of Engineers on the need for mitigation credits and is closely connected with the largest provider of credits in the state. Private mitigation providers are unable to compete with the foundation because of its lack of overhead and use of state resources. This bill would end this relationship between the department and the foundation.

Testifying for the bill were Representative Houghton; and Swallow Tail, LLC.

OPPONENTS: Those who oppose the bill say that this bill would directly affect the Conservation Heritage Foundation's ability to provide grants and support to other organizations, besides the department, with which it is affiliated. In addition, in lieu of, mitigation credits can only be issued by a not-for-profit organization approved by the Corps of Engineers. The foundation was started to provide mitigation options in watersheds where it was not economically feasible for a private mitigation company to provide mitigation.

Testifying against the bill were Jennifer Frazier, Missouri Department of Conservation; Chris Vitello, Missouri Conservation Heritage Foundation; and Richard Thom, Missouri Prairie Foundation.